



## WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

### The Common Core State Standards in Wisconsin

The Common Core State Standards (“CCSS”) are a set of academic standards that have been adopted by every state except Alaska, Nebraska, Texas, and Virginia. The standards set benchmarks for student knowledge and skills for each grade level from Kindergarten through 12<sup>th</sup> grade. This Information Memorandum describes the adoption of the CCSS in Wisconsin at the state and local level, the requirements in the 2013-15 Biennial Budget Act concerning the CCSS, and the transition to Common-Core aligned state standardized assessments. The Information Memorandum addresses public district schools; it does not address independent charter schools or private choice schools.

#### **BACKGROUND**

Academic standards are benchmark measures defining the knowledge and skills students should have in given academic subjects at each grade level. Standards do not dictate curriculum or instruction; they do not prescribe instructional content, resources, materials, or how teachers teach that content. However, standards provide a foundational basis for curriculum, instruction, and assessment. States were initially required to create or adopt academic standards for schools under the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA), which was also known as the “Improving America’s Schools Act.”<sup>1</sup>

Since 2010, Wisconsin’s model academic standards are the CCSS. The CCSS arose from the Common Core State Standards Initiative (CCSSI), an effort coordinated by governors and state commissioners of education from 48 states, two territories, and the District of Columbia through their respective organizations (the National Governor’s Association and the Council of Chief State School Officers). CCSSI developed the CCSS with the input of educators and educator groups, higher education stakeholders, content experts, parents, and the public. Throughout the development process, CCSSI also consulted an advisory board that included Achieve, Inc., ACT, the College Board, the National Association of State Boards of Education, and State Higher Education Executive Officers.<sup>2</sup>

In September 2009, CCSSI released a draft proposal of the standards for public comment and received approximately 1,000 responses. In March 2010, CCSSI released another draft proposal

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<sup>1</sup> The current reauthorization of ESEA is the No Child Left Behind Act of 2001.

<sup>2</sup> See National Conference of State Legislatures, *Overview of the Common Core State Standards*, 5/1/2014, last accessed on 1/28/15.

of the standards for a second round of public comment, and received over 10,000 public comments. In June 2010, the final draft of the CCSS was released, and 45 states, the District of Columbia, and two territories had formally pledged to adopt them by late 2011.

The CCSS include mathematics and English Language Arts standards for each individual grade from Kindergarten to eighth grade. They also include standards for these same subjects in two-year bands for grades nine to 12 (one set of standards covers grades nine and 10; another set covers grades 11 and 12). The CCSS for English Language Arts include Literacy Standards in History/ Social Studies, Science, and Technical Subjects to support literacy across all content areas and grade levels.

### **WISCONSIN'S ADOPTION OF CCSS AS MODEL STANDARDS**

The Department of Public Instruction (DPI) adopts model academic standards that school boards may adopt, if they choose to do so. DPI has adopted standards for 21 content areas, such as technology education, business, science, and world languages.

No federal law required the state to adopt the CCSS. However, DPI has selected the CCSS as the state model academic standards for the subjects in which Standards have been developed by CCSSI so far. The State Superintendent of Public Instruction, exercising his authority under Article X of the Wisconsin Constitution,<sup>3</sup> adopted the CCSS standards for English Language Arts and mathematics when they were released in 2010. Included within the CCSS for English Language Arts are standards for literacy, applicable in every discipline at every grade level.

DPI is leading implementation of the CCSS with and through collaborating partners including Cooperative Educational Service Agencies (CESAs), professional organizations, postsecondary institutions, and local schools districts.<sup>4</sup> The state partners with stakeholder groups to provide resources and assist districts with implementation. No aspect of state level involvement is mandatory for local districts.

### **LOCAL ADOPTION OF STATE STANDARDS**

The Wisconsin statutes do not generally govern the process of adoption of model academic standards, but schools must have standards and must include certain curricular subjects. Each school board is required by Wisconsin law to adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. [s. 118.30 (1g) (a) 1., Stats.] The law does not require school boards to adopt the CCSS or any particular set of standards.

School districts must locally establish a curriculum and purchase educational materials that they determine will meet their pupils' needs. For curriculum and instruction, the statutes describe the roles of the State and the school board as follows:

Public education is a fundamental responsibility of the state. The constitution vests in the state superintendent the supervision of public instruction and directs the legislature to provide for the

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<sup>3</sup> The Wisconsin Constitution grants supervisory authority over public instruction to the State Superintendent of Public Instruction. Under this authority, the State Superintendent adopted the CCSS as the basis of curriculum, instruction, and assessment in the state.

<sup>4</sup> See *Guidance Document for Common Core State Standards Initiative*, DPI (November 30, 2010).

establishment of district schools. The effective operation of the public schools is dependent upon a common understanding of what public schools should be and do. Establishing such goals and expectations is a necessary and proper complement to the state's financial contribution to education. Each school board should provide curriculum, course requirements and instruction consistent with the goals and expectations under [current law]. Parents and guardians share with the state and school board the responsibility for pupils meeting the goals and expectations under [current law]. [s. 118.01 (1), Stats.]

The statutes require each school board to provide an instructional program in the following areas: (a) academic skills and knowledge; (b) vocational skills; (c) citizenship; and (d) personal development. [s. 118.01 (2), Stats.]

All Wisconsin school districts, except one, have adopted the CCSS. School districts that have adopted the CCSS are currently in the final stage of a phase-in rollout plan. School boards have been working since 2010 to update curriculum, resources, instruction, assessment, and reporting to align with the CCSS.

#### ***CONSEQUENCES OF NOT ADOPTING THE CCSS***

As explained above, the CCSS are currently the state model standards for English Language Arts, mathematics, and literacy in all subjects. However, the statutes provide school boards the authority to adopt standards that are different from the state model standards. Currently, there is no federal or state requirement that local school districts adopt the CCSS, so there are no direct consequences for adopting standards other than the CCSS. Any consequences would result from potentially having standards that are different enough from the CCSS that they are inconsistent with standardized tests or teaching materials. Because current pupil assessments measure mastery of the CCSS, a school district that does not adopt the CCSS could potentially provide instruction that does not adequately prepare pupils for statewide assessments. Poor test scores can affect a school's rating for state accountability purposes, so test scores may have an impact on an individual school and a school district over time. [ss. 115.385 and 118.42, Stats.]

#### **PROVISIONS OF 2013-15 BUDGET ACT CONCERNING CCSS**

A number of requirements relating to implementation of the CCSS by DPI were contained in the nonstatutory provisions of the 2013-15 Biennial Budget Act, 2013 Wisconsin Act 20 ("Act 20"). The requirements generally related to the following:

- Evaluation of the CCSS by DPI.
- Analysis of the fiscal impact of the CCSS by the Legislative Fiscal Bureau (LFB), in consultation with DPI.
- Requesting that the Legislative Council form a study committee to study the CCSS and other academic standards.
- Imposing conditions and criteria that DPI must satisfy when adopting college- and career-readiness standards.

Act 20 conditioned any further implementation of the CCSS on compliance with these directives. The outcomes of these Act 20 directives are described in detail below.

### ***EVALUATION OF THE CCSS BY DPI***

Act 20 directed DPI to complete a report evaluating the CCSS to submit to the Legislature, the Governor, and to a legislative study committee. DPI's report details the initiation of academic standards revision in Wisconsin, from the March 2007 Summit for 21<sup>st</sup> Century Skills to partnership with the American Diploma Project Network, as well as the formation of the CCSSI and the development and adoption of the CCSS. It then describes implementation of the CCSS at the local level, and adoption of new standardized assessments aligned with the CCSS. The report concludes that the CCSS are higher, clearer, and more specific than the 1998 Wisconsin standards they replaced, and that the CCSS are "a foundational component of college- and career-readiness for all Wisconsin students."<sup>5</sup>

### ***ANALYSIS OF FISCAL IMPACT***

Act 20 directed the LFB to estimate, in consultation with DPI, the fiscal impact to the state if DPI were to: (a) continue to fully implement; or (b) discontinue the CCSS.

The LFB found that it was not possible to estimate the cost of going forward with the CCSS "given the decentralized system of school governance in [Wisconsin] and the lack of data on individual districts' current and planned activities and expenditures around standards implementation."<sup>6</sup> It referred instead to a possible range of costs associated with the CCSS across the country, as determined by a Fordham Institute study. Fordham estimated that an approach like Wisconsin's, utilizing at least some technology to facilitate implementation, has an estimated gross cost of \$106.5 million. LFB estimated a cost of \$12.1 million in 2014-15 for implementing CCSS-aligned assessments.

Regarding the fiscal impact of discontinuing the CCSS, LFB's report finds that:

If the common core were discontinued, depending on the timeline for implementing another set of new standards, a significant amount of work at the school district level around the common core would need to be duplicated, including a new round of curriculum reviews, professional development for teachers around instruction, curriculum, and assessments, and an examination of resources and materials, including textbooks, workbooks, software applications and other digital materials, for alignment with the next set of standards.

The LFB report notes that Wisconsin would have to adopt a different set of college- and career-ready standards, and accompanying assessments, in order to comply with the conditions of its flexibility waiver from the ESEA ("No Child Left Behind"). The report states it is unclear whether any other set of standards would meet the criteria of the U.S. Education Department for

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<sup>5</sup>DPI's report, titled "Transforming Teaching and Learning: Wisconsin's Journey to College- and Career-Ready Standards," dated August 2013, can be accessed from: <http://commoncore.dpi.wi.gov>.

<sup>6</sup> The LFB's analysis, titled "2013 Act 20 Fiscal Estimate of Implementation or Rejection of Common Core Standards," dated August 1, 2013, can be accessed from: <http://legis.wisconsin.gov/lfb/publications/miscellaneous>.

standards considered to be “college- and career-ready.” The LFB concludes that the cost of developing a new set of standards specific to Wisconsin would be indeterminate. The report explains that such cost would also have to include development of a comprehensive assessment system aligned to the new standards, including formative, benchmark, and summative assessments. According to the LFB report, the fiscal impact of developing assessments “is unknown, but would depend in part on whether the new test would also be a ‘next generation’ computer-adaptive assessment like Smarter Balanced.”

### ***STUDY COMMITTEE ON THE CCSS***

Act 20 requested the formation of a Joint Legislative Council study committee to review issues related to the CCSS and other academic standards. Study committees are conducted in the interim between legislative sessions, and typically meet in the summer and fall following the second year of the legislative biennium. The Joint Legislative Council votes on study committee topics early in the calendar year of the second year of the legislative biennium. Prior to the formation of 2014 study committees, in September 2013, the Legislature formed the Assembly Select Committee on Common Core State Standards and the Senate Select Committee for Review of the Common Core State Standards Initiative. These committees were tasked to fulfill the following objectives:

- Compare and contrast existing Wisconsin standards with the CCSS.
- Consider best practices by sampling college- and career-readiness standards.
- Provide a comparative evaluation of the costs to the state.
- Engage the public and educate all parties on the components of the CCSS and the potential results of their implementation in Wisconsin, focusing on, but not limited to:
  - School boards maintaining independence and fostering innovation within their districts.
  - Wisconsin’s public educational system objectives being fulfilled by the CCSS.
- Provide recommendations on the future of the implementation of the CCSS in Wisconsin schools.

Jointly, these committees held four public hearings in the Fall of 2013.<sup>7</sup> Each committee produced a report. The reports differ in their focus, and while both reports recommend regular legislative review of the CCSS, neither recommends outright repeal.

The Joint Legislative Council did not create a 2014 study committee addressing the CCSS.

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<sup>7</sup> A summary report of these hearings is available at:  
<http://legis.wisconsin.gov/eupdates/asm52/Recap%20Report%20Assem%20Select%20Comm%20on%20CCS.pdf>.

### ***DPI HEARINGS AND RECONSIDERATION OF STANDARDS***

Act 20 directed DPI to conduct a review of particular evaluations and reports, hold public hearings, and then adopt college- and career-readiness standards that could exceed, supplement, or supplant the CCSS. The standards DPI chose would have to satisfy the following requirements:

- Meet national and international benchmarks for college and career readiness.
- Align with postsecondary educational expectations.
- Fulfill federal requirements for the state to receive a waiver from federal mandates contained in 20 USC 7861, the ESEA (commonly referred to as “No Child Left Behind”).

In accordance with the directives of Act 20, DPI collected written testimony from December 17, 2013 - January 3, 2014, via email and mail, and held three public hearings on December 19, 2013, in Ashland, La Crosse, and Milwaukee.

Act 20 did not require DPI to replace the CCSS, and DPI did not replace the CCSS after the required hearings.

### **COMMON-CORE ALIGNED STANDARDIZED ASSESSMENTS**

Wisconsin law requires the State Superintendent to adopt or approve assessments designed to measure pupil attainment of knowledge and concepts in the 4<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> grades. [s. 118.30 (1), Stats.] The State Superintendent must develop an educational assessment program to objectively measure the adequacy and efficiency of educational programs offered by public schools. The assessment program must measure pupil achievement in reading, mathematics, writing, science, social science, and other areas of instruction commonly offered by public schools. The statutes require assessments to be conducted at several grade levels on a uniform, statewide basis.<sup>8</sup>

Wisconsin is part of the Smarter Balanced Assessment Consortium, formed to develop assessments measuring mastery of the CCSS. The 2011 Biennial Budget Act required DPI to replace the prior test (WKCE) with new assessments measuring mastery of the CCSS, such as Smarter Balanced assessments. [SEC. 9137, 2013 Wisconsin Act 32.] The standardized tests administered by DPI in the lower grades will shift from the WKCE to Smarter Balanced assessments, beginning in the 2014-15 school year. The assessments administered in grades 9-12 are the ACT high school assessments.<sup>9</sup>

Generally, each school district must administer the examinations adopted or approved by the State Superintendent to all pupils enrolled in the district.<sup>10</sup> However, the statutes also provide an exemption to this requirement if a district administers an alternative test. Each school board operating elementary grades may develop or adopt its own examination designed to measure

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<sup>8</sup> s. 115.28(10), Stats.

<sup>9</sup> The ACT assessments for high school grades have recently been aligned to the CCSS.

<sup>10</sup> Under s. 118.30 (2) (b) 5., Stats., individual pupils may opt out of standardized assessment.

pupil attainment of knowledge and concepts in the 4th grade and in the 8th grade. [s. 118.30 (1g) (c), Stats.]

Under this exemption, for the 4th and 8th grade examinations, a school board is not required to administer the examinations adopted or approved by the State Superintendent if all of the following conditions are met:

- The school board administers 4th and 8th grade examinations it has independently developed or adopted;<sup>11</sup>
- The school board provides the State Superintendent with statistical correlations of those examinations with the examinations adopted or approved by the State Superintendent; and
- The U.S. Department of Education approves.

[s. 118.30 (6), Stats.]

No school has notified DPI of an intention to utilize this exemption.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Jessica Ozalp, Staff Attorney, on February 13, 2015.

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<sup>11</sup> If the school board develops or adopts an alternative examination, the board or operator must notify DPI. [s. 118.30 (1) (c), Stats.]